

March 22, 2021



The Senate Criminal Justice Committee
510 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Open Government Bills before the Senate Criminal Justice Committee

The First Amendment Foundation writes to express our concerns with Senate Bills 1972 and 1974 because both bills are overbroad. SB 1972 permits records to be sealed if a petition is withdrawn by the petitioner or dismissed – neither of which means the accusation of domestic violence was false. The director of the Intimate Partner Violence Assistance Program at the University of Florida College of Law, Teresa Drake, explains that petitioners often withdraw a claim for fear of retribution, childcare needs, financial or family pressures – not because of the merits of the petition for injunction.

Similarly, cases are often dismissed on procedural grounds, with no decision on the merits of the accusation. According to Professor Drake, cases may be dismissed because a petitioner sought an injunction against domestic violence, but should have sought an injunction under the law against dating violence. Dismissal of a petition does not equate to a finding that a petition for injunction was unsupported by facts of abuse.

The public necessity statement of SB 1974 purports that individuals who have been accused of domestic violence may face barriers to employment and other opportunities, even if no injunction is granted. However, SB 1972 permits records to be sealed even if a petition is withdrawn or dismissed on grounds other than the merits of the petition. A withdrawn or dismissed petition does not mean that a claim of domestic violence was meritless. The public records exemption is overbroad, violating Art. I, § 24(c) of the Florida Constitution.

If you have any questions, please do not hesitate to contact us.

With best regards,

FIRST AMENDMENT FOUNDATION

A handwritten signature in blue ink that reads "Pamela C. Marsh".

Pamela C. Marsh
President

cc: The Honorable Wilton Simpson, President, Florida Senate
Jim Baltzelle, Associated Press, Chair, First Amendment Foundation
Samuel Morley, General Counsel, Florida Press Association
Lisa Nellessen Savage, Chair, Florida Society of News Editors

BOARD OF TRUSTEES

JIM BALTZELLE, CHAIRMAN

Director Local Media Southeast,
The Associated Press

AMY HOLLYFIELD, VICE CHAIR

Senior Deputy Editor, *Tampa Bay Times*

FRANK DENTON, TREASURER

Retired Editor, *Florida Times-Union*

FARHOOD BASIRI

Co-Founder, *Bellwether Software Development*

DICK BATCHELOR

Founder and President,
Dick Batchelor Management Group, Inc.

MIKE DEESON

President, *Deeson Media*

JIM FOGLER

President and CEO, *Florida Press
Association/Intersect Media*

TRIMMEL GOMES

President, *Gomes Media Strategies*

THOMAS D. HALL

President, *TLH Consulting Group LLC*

CAROL JEAN LOCICERO

Attorney, *Thomas & LoCicero*

MIRA LOWE

Assistant Dean for Student Experience, *UF College of
Journalism & Communications*
Director, *The Innovation News Center*

CAROL MARBIN MILLER

Deputy Investigations Editor, *Miami Herald*

SAMUEL J. MORLEY

General Counsel, *Florida Press Association*

CAITIE MUÑOZ

Reporter, *WLRN Public Media*

PATRICK RICE

Editor, *Daytona Beach News-Journal*

BOB SHAW

Retired Editor, *Orlando Sentinel*

PETE WEITZEL

Director Emeritus

WENDY WALKER

President Emeritus, *Leadership Florida*

CHARLEY WILLIAMS

Past State Board, *League of Women Voters of Florida*
Director, *Business Development, GEC*

DAVE WILSON

Senior Editor, *The Miami Herald*